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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/556,531  | 11/14/2005  | John A. Gelardi      | CPG 03-23 MD        | 3315             |
| 38235 7590 08/06/2009<br>MEADWESTVACO CORPORATION<br>ATTN: IP LEGAL DEPARTMENT<br>1021 Main Campus Drive<br>Raleigh, NC 27606 |             |                      |                     |                  |
| EXAMINER<br>LALLI, MELISSA LYNN   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3728  |             |                      |                     |                  |
| NOTIFICATION DATE   |             | DELIVERY MODE        |                     |                  |
| 08/06/2009  |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

### Office Action Summary

**Application No.**

10/556,531

**Applicant(s)**

GELARDI ET AL.

**Examiner**

MELISSA L. LALLI

**Art Unit**

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 3-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. Amendment submitted April 1, 2009 has been acknowledged. The amendments to the specification and the drawings have been entered. Amended claim 8 has been entered. Therefore, claims 3-9 are pending.

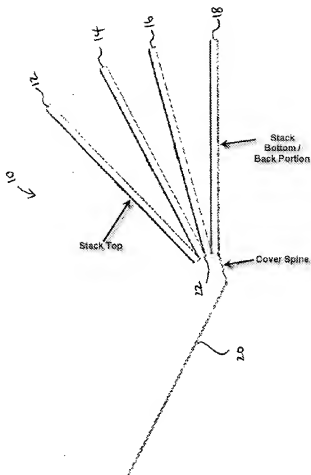
#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

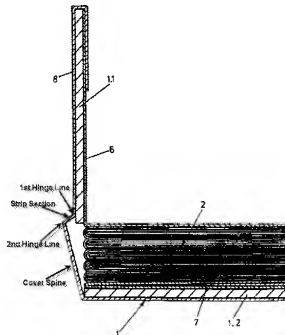
3. Claims 3-9 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0106814 to Gelardi et al. (Gelardi) in view of DE 20008218 to Petermann GmbH & Co. KG (Petermann).

Regarding claims 3, 4, and 7, Gelardi discloses a package (10) for storing discs or articles comprising a stacked array of disc trays (12, 14, 16, 18) joined along a spine (22) and defining a stack top, stack bottom, and a stack height. The disc trays are substantially planar elements. A cover is disclosed having a front portion (20) and a back portion separated by a cover spine having a width equal to the stack height (fig. 5). The back portion is fixedly attached to the stack bottom (fig. 6) and the front portion of the cover is separated from engagement with the stack when the cover is moved into an open position (see below).



Gelardi does not disclose the back portion of the cover including a strip section that is connected to the cover spine along a first hinge line and connected to the back cover portion along a second hinge line. However, Petermann discloses a similarly bound package (fig. 1) with a front cover portion (1) and a back cover portion (8). The front portion and back portion are separated by a cover spine. The back portion includes a strip section that is connected to the cover spine along a first hinge line and connected to the back portion along a second hinge line (see below). It would have been obvious to one having ordinary skill in the art at the time of the invention to have

incorporated the strip section of Petermann on the back portion of Gelardi in order to allow a problem-free and unhindered opening in addition to the planar elements lying flat when opened as taught by Petermann.



Regarding claim 5, according to the modification of Gelardi by Petermann as disclosed in claim 3 above, Gelardi discloses the cover as a jacket (22). It would have been obvious to one having ordinary skill in the art at the time of the invention that the jacket could be formed from a single ply substrate as a matter of design choice.

Regarding claim 6, according to the modification of Gelardi by Petermann as disclosed in claim 3 above, Gelardi discloses the back over portion being adhered to the stack bottom (paragraph [0035], lines 7-9).

Regarding method claim 8, all recited structures of the package have been explained above according to the modification of Gelardi by Petermann as discussed in claim 3. The method of making such a package is rendered obvious to one of ordinary skill in the art since all the claimed structures are present in the Gelardi/Petermann package.

Regarding method claim 9, according to the rejection of method claim 8 above, Gelardi discloses the back cover section being mounted to the stack bottom (paragraph [0035], lines 7-9). Petermann also discloses elements of the package being bonded together with adhesive. Applying adhesive is obvious to one of ordinary skill in the art as a method of mounting objects together.

#### ***Response to Arguments***

4. Applicant's arguments filed April 1, 2009 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, whether Petermann is concerned with "pages pulling loose from the binding" is irrelevant. It is unclear whether Petermann explicitly states a specific purpose of the "3-mm wide margin"; however, the disclosure of Petermann generally teaches that it is desirable to create a binding structure which allows a problem-free and unhindered opening of the book in addition to the planar elements or pages lying flat

when opened. All of the structures disclosed in Petermann unify to contribute to this purpose; hence, it is reasonable to modify Gelardi's back cover by adding the strip section of Petermann which is specifically stated as being free of any binding to the planar elements or pages. It is further noted that combining Petermann with Gelardi does not necessarily suggest adding a margin strip on both the front and back covers or attaching the stack to both the front cover and the back cover. Gelardi has been modified by Petermann only to include the flexible strip portion on its back cover as discussed in detail in the rejection of claim 3 above. Combining Gelardi with Petermann accounts for the front cover and spine being separated from engagement with stack; hence, adding the unadhered strip section and first and second hinge lines (see fig. above) of Petermann to the cover of Gelardi allows the cover and strip section to pivot about the first and second hinge axis and move into the opened position. Therefore, the Gelardi/Petermann combination reads on the claimed subject matter.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA L. LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLL  
7/31/09

/JILA M MOHANDESI/  
Primary Examiner, Art Unit 3728